

05-CR-00116-ORD

MAR 27 2006

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTONUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

NO. CR-05-116-RHW

v.

DAVID TURNIPSEED,

ORDER REGARDING SCHEDULE
FOR GUIDELINE SENTENCING

Defendant.

On this day, Defendant, accompanied by his attorney, Wayne Fricke appeared and pleaded guilty in this matter. The Government was represented by Lawrence Lincoln, Assistant United States Attorney.

IT IS ORDERED that the date of the sentencing is July 19, 2006, at 1:00 p.m. in Seattle, Washington. **If a sentence of incarceration is imposed, the Defendant shall be placed in custody at the time of sentencing.** Pending sentencing, Defendant shall be *released* pursuant to this court's previous order. The United States Probation Office shall prepare a timely presentence investigation report that will comply with the following schedule:

1. On or before June 9, 2006, the probation officer shall disclose the presentence investigation report to the Defendant, counsel for Defendant, and the Government.

On or before June 19, 2006, counsel shall communicate in writing to the probation office any objections they may have as to factual errors or omissions;

1 sentencing classifications; sentencing guideline ranges; and policy statements
2 contained in or omitted from the report. Such communication may be oral initially
3 but shall immediately be confirmed in writing to the probation officer and
4 opposing counsel.

5 On or before June 19, 2006, counsel shall file and serve all motions and
6 memoranda pertaining to Defendant's sentence, including objections and motions
7 for downward or upward departures. Responses to such motions shall be filed and
8 served on or before June 29, 2006. **Any request with regard to self-reporting**
9 **shall be made to the probation office at the same time any objections/motions**
10 **are filed.**

11 2. After receiving counsel's objections, the probation officer shall conduct
12 any further investigation and make any revisions to the presentence report that
13 may be necessary. The probation officer may require counsel for both parties to
14 *meet with the officer to discuss unresolved factual and legal issues, and counsel*
15 *shall make themselves available for that purpose.*

16 3. On or before July 10, 2006, the probation officer shall submit the
17 presentence report to the sentencing judge. The report shall be accompanied by an
18 addendum setting forth any objections counsel may have made, including those
19 that have not been resolved, together with the officer's comments and
20 recommendations thereon. *The probation officer shall certify that the contents of*
21 *the report, other than sentencing recommendations, including any revisions or*
22 *addenda, have been disclosed to counsel for Defendant and the Government, and*
23 *that the addendum fairly states any remaining objections.*

24 4. Except with regard to any written objection made under subdivision (a),
25 the report of the presentence investigation and computations shall be accepted by
26 the court as accurate. For good cause shown, however, the Court may allow a new
27 objection to be raised at any time before the imposition of sentence. In resolving
28 disputed issues of fact, the court may consider any reliable information presented
by the probation officer, Defendant or the Government.

1 5. Nothing in this rule requires the disclosure of any portions of the
2 presentence report that are not disclosable under Rule 32 of the Federal Rules of
3 Criminal Procedure.

4 6. The presentence report shall be deemed to have been disclosed (1) when
5 a copy of the report is physically delivered; or (2) one day after the availability of
6 the report for inspection is orally communicated; or (3) three days after a copy of
7 the report, or notice of its availability is mailed to counsel, whichever date is
8 earlier.

9 The District Court Executive is directed to enter this order and provide
10 copies to counsel, as well as the U.S. Probation Office.

11 **DATED** this ____ day of March, 2006.

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16 ROBERT H. WHALEY
17 United States District Judge
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